

SENATE BILL No. 293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2-99; IC 34-30-15-8.

Synopsis: Medical peer review. Provides for use of a peer review committee by a medical school located in Indiana. Allows sharing of peer review information between a medical school peer review committee and another peer review committee.

Effective: July 1, 2015.

Miller Patricia

January 8, 2015, read first time and referred to Committee on Health & Provider Services.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 293



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-99 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 99. (a) "Peer review
- 3 committee", for purposes of IC 34-30-15, means a committee that:
- 4 (1) has the responsibility of evaluation of:
- 5 (A) qualifications of professional health care providers;
- 6 (B) patient care rendered by professional health care
- 7 providers; or
- 8 (C) the merits of a complaint against a professional health care
- 9 provider that includes a determination or recommendation
- 10 concerning the complaint, and the complaint is based on the
- 11 competence or professional conduct of an individual health
- 12 care provider, whose competence or conduct affects or could
- 13 affect adversely the health or welfare of a patient or patients;
- 14 and
- 15 (2) meets the following criteria:
- 16 (A) The committee is organized:



- 1 (i) by a state, regional, or local organization of professional
 2 health care providers or by a nonprofit foundation created by
 3 the professional organization for purposes of improvement
 4 of patient care;
- 5 (ii) by the professional staff of a hospital, another health care
 6 facility, a nonprofit health care organization (under section
 7 117(23) of this chapter), ~~or~~ a professional health care
 8 organization, **or a medical school located in Indiana;**
- 9 (iii) by state or federal law or regulation;
- 10 (iv) by a governing board of a hospital, a nonprofit health
 11 care organization (under section 117(23) of this chapter), or
 12 professional health care organization;
- 13 (v) as a governing board or committee of the board of a
 14 hospital, a nonprofit health care organization (under section
 15 117(23) of this chapter), or professional health care
 16 organization;
- 17 (vi) by an organization, a plan, or a program described in
 18 section 117(16) through 117(17) of this chapter;
- 19 (vii) as a hospital or a nonprofit health care organization
 20 (under section 117(23) of this chapter) medical staff or a
 21 section of that staff; or
- 22 (viii) as a governing board or committee of the board of a
 23 professional health care provider (as defined in section
 24 117(16) through 117(17) of this chapter).
- 25 (B) At least fifty percent (50%) of the committee members are:
- 26 (i) individual professional health care providers, the
 27 governing board of a hospital, the governing board of a
 28 nonprofit health care organization (under section 117(23) of
 29 this chapter), or professional health care organization, or the
 30 governing board or a committee of the board of a
 31 professional health care provider (as defined in section
 32 117(16) through 117(17) of this chapter); or
- 33 (ii) individual professional health care providers and the
 34 committee is organized as an interdisciplinary committee to
 35 conduct evaluation of patient care services.
- 36 (b) However, "peer review committee" does not include a medical
 37 review panel created under IC 34-18-10 (or IC 27-12-10 before its
 38 repeal).
- 39 SECTION 2. IC 34-30-15-8 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 8. (a) Communications
 41 to, the records of, and determinations of a peer review committee may
 42 only be disclosed to:



- 1 (1) the peer review committee of:
 2 (A) a hospital;
 3 (B) a nonprofit health care organization (described in
 4 IC 34-6-2-117(23));
 5 (C) a preferred provider organization (including a preferred
 6 provider arrangement or reimbursement agreement under
 7 IC 27-8-11);
 8 (D) a health maintenance organization (as defined in
 9 IC 27-13-1-19) or a limited service health maintenance
 10 organization (as defined in IC 27-13-34-4); **or**
 11 (E) another health facility; **or**
 12 **(F) a medical school located in Indiana of which the**
 13 **professional health care provider who is the subject of the**
 14 **peer review is a faculty member;**
 15 (2) the disciplinary authority of the professional organization of
 16 which the professional health care provider under question is a
 17 member; or
 18 (3) the appropriate state board of registration and licensure that
 19 the committee considers necessary for recommended disciplinary
 20 action;
 21 and shall otherwise be kept confidential for use only within the scope
 22 of the committee's work, unless the professional health care provider
 23 has filed a prior written waiver of confidentiality with the peer review
 24 committee.
 25 (b) However, if a conflict exists between this section and
 26 IC 27-13-31, the provisions of IC 27-13-31 control.

